IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 306 OF 2005

SMT.SHANTA GULEKAR,MAPUSA GOA. ....Petitioners

Versus

THE STATE OF GOA,THROUGH THE CHIEF SECRETARY AND 3 ORS., ...Respondents

Mr. S. M. Walwaikar, advocate for the petitioner.
Mr. S. S. Kantak, Advocate General with Ms. Winnie Coutinho, Government Advocate for the State.
Mr. E.P. Badrinarayan, Central Government Standing Counsel for the respondent no.4.

Coram:- R. M. LODHA &
N. A. BRITTO, JJ.

Date:- 12th September, 2005

P.C.

Heard Mr. Walwaikar, learned counsel for the petitioner. We perused the impugned Order dated 4th April, 2005. A prusal of the impugned Order dated 4th April, 2005 shows that the said Order came to be passed in view of the order passed by this Court on 16th March, 2005 in Writ Petition no.244 of 2001. That Writ Petition was at the instance of Eliza Rodrigues and three others. The subject-matter of that Writ Petition related to challenge to the promotion of the petitioner from the post of Staff Nurse to Ward Sister. The present petitioner was the respondent no.4 in that Writ Petition. She was served with a notice but chose not to appear. When that Writ Petition came up for consideration, a statement was made by the Government Advocate that the promotion given to the present petitioner (respondent no.4 therein) vide Order dated 20th February, 2001 shall be revoked and thereafter the matter of promotion shall be reconsidered by holding fresh D.P.C. as per the norms applicable. In the light of this statement made by the learned Government Advocate that Writ Petition was allowed to be withdrawn and all issues were kept

open. The Order dated 4th April, 2005 is a sequitur to the Order dated 16th March, 2005 passed by this Court. Obviously, a review D.P.C. as per the norms applicable shall consider the case of the eligible candidates for promotion to the post of Ward Sister. If any promotion is given pursuant to the review D.P.C. and the petitioner feels aggrieved thereby, it will be open to the petitioner to challenge the promotion in accordance with law; in the earlier Writ Petition this Court has already kept all issues open.

With the aforesaid observation the Writ Petition is dismissed in limine.

We record the statement of the learned Advocate General that within two months from today, the review D.P.C. shall consider the case of the eligible candidates for promotion to the post of Ward Sister and the decision in this regard shall be taken by the Government immediately thereafter.

R. M. LODHA, J.

N. A. BRITTO, J.